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14 Attorneys for Plaintiff

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN JOSE DIVISION

18 UNITED STATES OF AMERICA,) No. CR 09-00670 EJD
19 Plaintiff,) CR 11-00554 EJD
20 v.) STIPULATION AND [PROPOSED]
21 DAVID RUSSELL FOLEY,) ORDER CONTINUING STATUS
22 Defendant.) HEARING AND EXCLUDING TIME
23 SAN JOSE VENUE

24 The undersigned parties respectfully request that the sentencing hearing in the above-
25 captioned case scheduled for June 10, 2013 be continued to July 29, 2013. The reason for the
26 continuance is that Probation Officer Benjamin Flores needs additional time to review the
27 defendant's recent submissions and complete the presentence report. In addition, AUSA Susan
28 Knight will be in trial before the Honorable Judge Whyte starting on June 24, 2013 through
approximately July 15, 2013, and Officer Flores will be unavailable the week of July 22, 2013.

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31 STIPULATION AND [PROPOSED] ORDER

SO STIPULATED:

MELINDA HAAG
United States Attorney

DATED: 5/13/13

/s/
SUSAN KNIGHT
HANLEY CHEW
Assistant United States Attorneys

DATED: 5/13/13

JEROME MULLINS
Counsel for Mr. Foley

ORDER

Accordingly, for good cause shown, the Court HEREBY ORDERS that the sentencing hearing currently scheduled for June 10, 2013 is continued to July 29, 2013 at 1:30 p.m.

SO ORDERED.

DATED: 5/14/2103


EDWARD J. DAVILA
United States District Judge